

Memorandum of Understanding

between

The State Forestry Administration of the People's Republic of China

and

The Department of Agriculture of the United States of America

on

Cooperative Construction of the Chinese Garden

Preamble

In order to enhance the traditional friendship between the Chinese people and the American people and in order to deepen the American people's understanding of the Chinese garden culture, the Department of Agriculture of the United States of America (hereinafter referred to as the American side) and the State Forestry Administration of the People's Republic of China (hereinafter referred to as the Chinese side) agree to cooperatively construct a Classical Chinese Garden (hereinafter referred to as the Chinese Garden) within the boundary of the United States National Arboretum (hereinafter referred to as the U.S. National Arboretum), in Washington, D.C., the capital of the United States of America, as a gift from the Chinese people to the American people and also as a symbol of the traditional friendship between the two countries.

Upon completion of the construction, the Chinese Garden will become a part of the U.S. National Arboretum, and the U.S. National Arboretum will have the sole ownership of the Chinese Garden.

Article 1

Both the American and the Chinese sides agree to cooperatively construct the Chinese Garden which will be modeled after the famous Chinese *Jiangnan* gardens. The total area of the Chinese Garden is to be in the neighborhood of 12 acres (5 hectares). The U.S. National Arboretum already has adequate facilities for parking lots, offices, reception and exhibition.

spaces, and meeting rooms. If needed, the American side agrees to add spaces at the U.S. National Arboretum for these purposes, subject to the availability of funding.

Article 2

2.1 The Chinese side agrees to entrust the Chinese Academy of Forestry to be responsible for raising funds needed for (1) the design of the Chinese Garden and (2) the construction of the main engineering of the Chinese Garden.

2.2 The American side agrees to assist in the construction of the Chinese Garden and be responsible for the construction and supply of auxiliary facilities of the Chinese Garden which include ground preparation (including the digging, construction and water-proof treatment of the water pond) and water, heating, power and fire control systems as well as all their necessary costs. The American side further agrees to take the responsibilities for the maintenance of the Chinese Garden to be kept in good shape for an indefinite period of time.

2.3 Upon completion of the construction, both the American side and the Chinese side agree to stage an annual Chinese cultural event at the Chinese Garden for the American people.

Article 3

3.1 The Parties hereby establish a Joint Working Group for the Chinese Garden Project (JWG-CGP), which shall coordinate cooperation between the Parties in matters relating to the Chinese Garden Project including day-to-day maintenance and Chinese cultural events associated with the Chinese Garden Project. The JWG-CGP will be co-chaired by the Under Secretary for Research, Education, and Economics and by the Leading Member of the State Forestry Administration for Science and Technology, Research and Education or their designate. The co-chairs of the JWG-CGP may determine, by mutual agreement, the remaining composition of the JWG-CGP and the entities that may attend JWG-CGP meetings.

3.2 Each Party shall designate a Liaison Secretary from USDA at the Administrator level and from State Forestry Administration at the Director General level. The Liaison Secretaries

shall be the points of contact for the JWG-CGP and will arrange administrative support for meetings of the JWG-CGP.

3.3 The JWG-CGP shall meet as agreed by both Parties.

Article 4

The Chinese Garden Project will be accomplished in three phases.

4.1 The Design and Approval Phase: Both the American and the Chinese sides will cooperate in this phase and agree to support a 10-person (5 from each side) Joint Design Team for the Chinese Garden Project. During the design phase of 6-8 months, the Joint Design Team members will exchange visits and consult. The Chinese side is responsible for delivering to the American side the final design drawings and design documents, while the American side is responsible for submitting the final design drawings and design documents to relevant United States government agencies for approval. It is estimated that the design and approval phase will take between 12-14 months to complete.

4.2 The Construction Phase: Both the American and the Chinese sides agree to be cooperatively responsible for the construction of the Chinese Garden and will form a Cooperative Construction Group for the Chinese Garden Project. The Chinese side will be responsible for the construction of the main engineering of the Chinese Garden Project and will appoint a garden construction enterprise in China, which is qualified for overseas construction, to undertake the construction. All the pavilions, covered corridors, archways and rockeries etc will be, in principle, fabricated and packaged in China and then shipped via containers and re-assembled at the U.S. National Arboretum through Baltimore, Maryland Port of Entry. The design and construction should comply with existing federal and local standards and regulations of the United States. The American side will be responsible for the construction of auxiliary facilities of the Chinese Garden Project. According to the requirements of the design, plants needed to be planted at the Chinese Garden may be collected by the Chinese side on the United States mainland with the assistance of the American side, or may be collected in China by the Chinese side. For plants collected in

China, the Chinese side is responsible for the export permit procedure (including issuance of a required phytosanitary certificate), while the American side is responsible for obtaining required import permits issued by USDA/APHIS. Imported Chinese-origin plants will be subject to existing plant health quarantine regulations. It is estimated that the total construction phase will take between 20-24 months to complete.

4.3 The Maintenance and Management Phase: The American side agrees to assign the U.S. National Arboretum to assume the daily routine maintenance of the Chinese Garden.

Article 5

Both the American and Chinese sides will cooperate to address any issues regarding the Chinese Garden Project not covered by the MOU.

Article 6

Protection and allocation of intellectual property created or furnished in the course of this MOU shall be governed by Annex 1 (Intellectual Property) of the Agreement between the Government of the United States of America and the Government of the People's Republic of China on Cooperation in Science and Technology, signed at Washington on January 31, 1979, as extended and amended.

Article 7

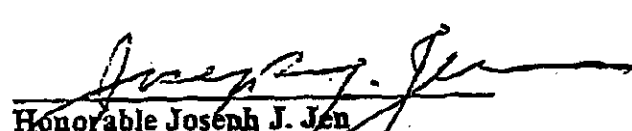
Any commitment or agreement made by the American side in this MOU that would require the expenditure of funds shall be subject to funds being available to the Secretary of Agriculture that may be legally applied to such expenditure.

Article 8

This MOU enters into force on the date of signature of both Parties and shall remain in force for a period of five (5) years or until completion of the Chinese Garden, whichever comes first. It may be amended or extended by mutual written agreement of the Parties. Unless otherwise agreed, the termination of this MOU shall not affect the implementation of ongoing programs and activities that have been agreed upon while the same was in force.

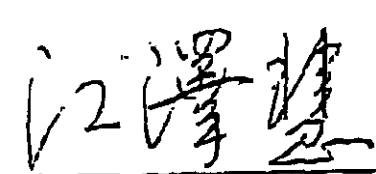
DONE at Washington, this 8th day of October, 2004, in duplicate, in the English and the Chinese languages, each text being equally authentic.

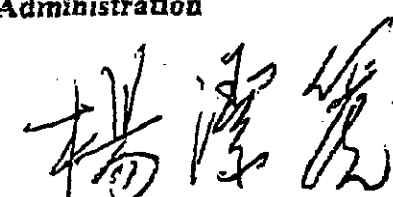
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United States of America


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